

# **EXHIBIT B**

THE  
ACCURSO LAW FIRM

A PROFESSIONAL CORPORATION

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March 12, 2018

Via – Regular Mail

Via Email – ken\_kyle@farmersinsurance.com

Kenneth Kyle  
Farmers Insurance  
P.O. Box 268994  
Oklahoma City, OK 73126

Re:	Your UIM Claim #:	3002419913-1-1
	Claimant/Insured:	Mary Lou McClune
	Policy No.:	195625554
	MVA Date:	08/16/14
	Subject:	UIM Claim

Dear Mr. Kyle:

I am writing in response to yours of February 26, 2018, regarding your November 7, 2017, offer of \$6,850.00 to settle Mary Lou's UIM claim. She believes that amount is unreasonably low. So do we.

Mary Lou was minding her own business when she got hit by a car in a parking lot almost 4 years ago. For purposes of Mary Lou's UIM coverage, the driver who hit her is Farmer's *de facto* insured. Mary Lou suffered through a long bout with her right shoulder/rotator cuff tear before having it surgically repaired and learning to live with the residual symptoms. State Farm – which, has never been known to *overvalue* a claimant's injury – promptly paid the driver's \$100,000.00 liability limits upon being supplied the supporting medical records. Based on the injury to her right shoulder alone, Farmers, who had the same records, offered \$2,500.00 to resolve the UIM claim on July 5, 2016.

Kenneth Kyle  
March 12, 2018  
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Meantime, Mary Lou's overuse of her left arm while her right arm was injured produced a full thickness, nearly full-width tear of her left rotator cuff. We first reported that circumstance to Farmers by my July 11, 2017, fax to you. We also then advised that a board certified orthopedic surgeon connected Mary Lou's torn left rotator cuff to the original accident/right shoulder condition, and cited Farmers to authoritative medical literature corroborating his opinion. At Farmers' request, we forwarded additional materials on October 20, 2017, in support of the UIM claim, including Dr. MacMillan's written confirmation of his opinion. Nonetheless, Farmers increased its overall offer for the UIM claim, including the new injury, by a mere \$4,350.00.

We are at a loss to understand how Farmers can reasonably evaluate Mary Lou's torn right rotator cuff at \$102,500.00 (which we believe was insufficient in its own right), yet offer only \$4,350.00 for the same injury to her left rotator cuff. That inconsistency is especially difficult to understand given that *both* of Mary Lou's shoulders have now been injured. In our view, that circumstance dictates that the latter injury puts Mary Lou at a comparatively greater disadvantage than the original injury, warranting correspondingly greater compensation. Inexplicably, Farmers has taken the opposite tack, offering Mary Lou 95% *less* than the value Farmers itself placed on the same injury to Mary's right shoulder.

We believe Farmers' position on the UIM claim to be without just cause or excuse. Nevertheless, we have Mary's permission to reduce her demand to \$450,000.00 to attempt to settle her UIM claim. That offer will remain open for the next 15 days.

Please call or write with any questions.

Best regards.

Sincerely,



Andrew H. McCue

AHM/tjj

Cc: Mike Wilson  
Mary Lou McClune